

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SYNTRIX BIOSYSTEMS, INC.
a Delaware corporation

Plaintiff/Counter-Defendant

V.

ILLUMINA, INC.,
a Delaware Corporation

Defendant/ Counter-Plaintiff

Case No. 3:10-cv-05870-BHS

**PLAINTIFF SYNTRIX
BIOSYSTEMS, INC.'S MOTION TO
SEAL THE UNREDACTED
VERSION OF EXHIBIT E TO
SYNTRIX'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Note on Motion Calendar: Dec. 28, 2012

Plaintiff Syntrix Biosystems, Inc. (“Syntrix”) respectfully moves the Court, pursuant to Local Rule 5(g), to seal certain documents filed in connection with its Motion for Partial Summary Judgment. Syntrix requests that the documents be sealed based on Illumina’s designation of the information and documents as confidential under the protective order entered in this case on June 20, 2011. Dkt. No. 49 at p. 10. The document subject to this request is as follows:

1. The unredacted version of Exhibit E to Syntrix's Motion for Partial Summary Judgment, the Expert Report of Dr. Michael Metzker.

SYNTRIX BIOSYSTEMS, INC.'S MOTION TO SEAL THE
UNREDACTED VERSION OF EXHIBIT E TO SYNTRIX'S
MOTION FOR PARTIAL SUMMARY JUDGMENT - 1
3:10-CV-05870-BHS

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In accordance with Local Rule 5(g)(3), Illumina will provide a specific statement of the applicable legal standard and reasons for keeping the documents under seal in its response to this motion.

For these reasons, Syntrix requests that the above-referenced document be sealed.

DATED: December 19, 2012

Respectfully submitted,

BRACEWELL & GIULIANI LLP

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SYNTRIX BIOSYSTEMS, INC.'S MOTION TO SEAL THE
UNREDACTED VERSION OF EXHIBIT E TO SYNTRIX'S
MOTION FOR PARTIAL SUMMARY JUDGMENT - 2
3:10-CV-05870-BHS

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SYNTRIX BIOSYSTEMS, INC.'S MOTION TO SEAL THE
UNREDACTED VERSION OF EXHIBIT E TO SYNTRIX'S
MOTION FOR PARTIAL SUMMARY JUDGMENT - 3
3:10-CV-05870-BHS

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CERTIFICATE OF CONFERENCE

I hereby certify that on December 18 and 19, 2012, counsel for Plaintiff, including Michael Samardzija and Derek Gilliland, conferred by email with counsel for Illumina, Diane Meyers, David Rosenbaum, Brett Dunkelman, Erick Ottoson, and Eric Fraser, about the need to file materials cited in Syntrix's Motion for Partial Summary Judgment under seal. After conferring, the parties were able to minimize the material that needed to be filed under seal by agreeing to a redacted version of several documents. However Illumina confirmed that a redacted version of Exhibit E to Syntrix's Motion for Partial Summary Judgment, the Expert Report of Dr. Michael Metzker, could be filed without being sealed, but that the unredacted version needed to be filed under seal because Illumina contends it contains confidential information. Accordingly and without waiving its right to challenge the confidentiality designation of the materials, Syntrix files this Motion to Seal under Local Rule 5(g) and per the Parties' agreement.

By: s/Christopher Schenck
Christopher Schenck

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of **PLAINTIFF SYNTRIX BIOSYSTEMS, INC.'S MOTION TO SEAL THE UNREDACTED VERSION OF EXHIBIT E TO SYNTRIX'S MOTION FOR PARTIAL SUMMARY JUDGMENT** via the Court's CM/ECF system on December 19, 2012.

Dated: December 19, 2012

By: s/Christopher Schenck
Christopher Schenck